



U.S. Department of Justice

Immigration and Naturalization Service

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OFFICE OF ADMINISTRATIVE APPEALS  
425 Eye Street N.W.  
ULLB, 3rd Floor  
Washington, D.C. 20536

File: WAC 99 094 53075 Office: California Service Center

Date:

SEP 13 2000

IN RE: Petitioner:  
Beneficiary:

Petition: Petition for a Nonimmigrant Worker Pursuant to Section 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act, 8 U.S.C. 1101(a)(15)(H)(i)(b)

IN BEHALF OF PETITIONER:

Public Copy

INSTRUCTIONS:

This is the decision in your case. All documents have been returned to the office which originally decided your case. Any further inquiry must be made to that office.

If you believe the law was inappropriately applied or the analysis used in reaching the decision was inconsistent with the information provided or with precedent decisions, you may file a motion to reconsider. Such a motion must state the reasons for reconsideration and be supported by any pertinent precedent decisions. Any motion to reconsider must be filed within 30 days of the decision that the motion seeks to reconsider, as required under 8 C.F.R. 103.5(a)(1)(i).

If you have new or additional information which you wish to have considered, you may file a motion to reopen. Such a motion must state the new facts to be proved at the reopened proceeding and be supported by affidavits or other documentary evidence. Any motion to reopen must be filed within 30 days of the decision that the motion seeks to reopen, except that failure to file before this period expires may be excused in the discretion of the Service where it is demonstrated that the delay was reasonable and beyond the control of the applicant or petitioner. Id.

Any motion must be filed with the office which originally decided your case along with a fee of \$110 as required under 8 C.F.R. 103.7.

Identifying and removing  
prevent clearly unwarranted  
invasion of personal privacy

FOR THE ASSOCIATE COMMISSIONER,  
EXAMINATIONS

Terrance M. O'Reilly, Director  
Administrative Appeals Office

**DISCUSSION:** The nonimmigrant visa petition was denied by the director and is now before the Associate Commissioner, Examinations, on appeal. The appeal will be dismissed.

The petitioner is engaged in software design and consultancy work. It seeks to employ the beneficiary as a "software engineer-intermediate" for a period of 31 months. The director found the petitioner had failed to submit an itinerary of the beneficiary's proposed work sites, dates of employment at each site and evidence that the approved labor condition application was valid for all sites where the beneficiary would be assigned to work.

On appeal, counsel states that itinerary requirements are not necessary for unknown locations. Counsel further states that the services to be performed by the beneficiary are currently in [REDACTED] at the corporate office of the petitioner. Counsel argues that other work locations are not yet known and that therefore, dates, location, etc., cannot be provided.

Pursuant to 8 C.F.R. 214.2(h)(2)(1)(B) a petition which requires services to be performed at or training to be received in more than one location must include an itinerary with the dates of services and training.

The record clearly shows that the beneficiary will be working at client sites other than the [REDACTED]. It is determined that the petitioner has failed to submit an itinerary listing the dates and locations where these services will be performed.

The burden of proof in these proceedings rests solely with the petitioner. Section 291 of the Act, 8 U.S.C. 1361. The petitioner has not sustained that burden. Accordingly, the decision of the director will not be disturbed.

**ORDER:** The appeal is dismissed.